



CITY COUNCIL

Rusty Paul, Mayor

John Paulson – District 1
Ken Dishman – District 2
Graham McDonald – District 3
Gabriel Sterling – District 4
Tibby DeJulio – District 5
Andy Bauman – District 6

Tuesday, November 18, 2014

Summary Minutes

6:00 PM

A) INVOCATION – Pastor Henry Bush, Sharon Community United Methodist Church

B) CALL TO ORDER – Mayor Rusty Paul

Mayor Paul called the meeting to order at 6:00 p.m.

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

Mayor: Mayor Paul present

Councilmembers: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio, and Councilman Andy Bauman were present.

D) PLEDGE OF ALLEGIANCE – Mayor Rusty Paul

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilman DeJulio moved to approve the Regular Meeting Agenda for November 18, 2014. Councilman Dishman seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 14-258)

1. Meeting Minutes:
 - a) November 4, 2014 Regular Meeting
 - b) November 4, 2014 Work Session
 - c) October 27, 2014 Special Called Meeting*(Michael Casey, City Clerk)*

(Agenda Item No. 14-259)

2. Ordinance Amending Chapter 30, Article III, Sec. 30-70 of the City of Sandy Springs Code of Ordinances Relating to Court Procedure; and for Other Purposes
(Wendell Willard, City Attorney)

Ordinance No. 2014-11-38**(Agenda Item No. 14-260)**

3. Acceptance of the Donation of a Permanent Drainage Easement Associated with the Glenforest Road Stormwater Improvements Project
(*Garrin Coleman, Director of Public Works*)

Resolution No. 2014-11-107**(Agenda Item No. 14-261)**

4. Update and Proposed Intergovernmental Agreement Revision between the City of Roswell and the City of Sandy Springs to Address Increased Preliminary Engineering/Environmental Costs for CIP Project T-0035, SR-9/Roswell Road Pedestrian and Bicycle Bridge over the Chattahoochee River
(*Garrin Coleman, Director of Public Works*)

Resolution No. 2014-11-108

Motion and Vote: Councilman Sterling moved to approve the Consent Agenda for November 18, 2014. Councilman Paulson seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Proclamation for Sharon Community United Methodist Church 125th Anniversary – Mayor Paul

H) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 14-262)**

1. Approval of Alcoholic Beverage License Application for Taboo 3000, 6075 Roswell Rd, Sandy Springs, Georgia 30328. Applicant is Kenneith Durden for Consumption Wine, Liquor, and Malt Beverage
(*Presented by Finance Director, Karen Ellis*)

(Invitation for Public Comment)

Motion and Vote: Councilman McDonald moved to deny Agenda Item No. 14-262, Alcoholic Beverage License Application for Taboo 3000, 6075 Roswell Rd, for Consumption of Wine, Liquor, and Malt Beverage, due to material misrepresentation in the application relating to when the business began operation. Councilman DeJulio seconded the motion. The motion carried unanimously.

River Corridor**(Agenda Item No. 14-263)**

2. **RC-14-02SS** (6375 River Chase Circle NW)
(*Presented by Community Development Director, Angela Parker*)

(Invitation for Public Comment)

Motion and Vote: Councilman McDonald moved to approve Agenda Item No. 14-263, RC-14-02SS (6375 River Chase Circle NW). Councilman Paulson seconded the motion. The motion carried unanimously.

Rezoning**(Agenda Item No. 14-264)**

3. **201300687 (DRI)**** - Tax Parcel 17-0019 - LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District), with a use permit to exceed the maximum district height and concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve the withdrawal of Agenda Item No. 14-264, 201300687 (DRI)** - Tax Parcel 17-0019 - LL-059 (Abernathy Road, Peachtree Dunwoody Road, Mount Vernon Highway, GA 400), *Applicant: Hines*, to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District), with a use permit to exceed the maximum district height and concurrent variances. Councilman Dishman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-265)

4. **201401601** - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-265, 201401601 - 5950 Mitchell Road, *Applicant: Rockhaven Homes*, to rezone from R-1 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) for the development of a 15-lot subdivision, with concurrent variances, and with an amendment to condition 3.j. to reflect the planting plan submitted to staff on November 18th. Councilman Paulson seconded the motion. The motion carried 4-2, with Councilmen McDonald and DeJulio voting in opposition.

Ordinance No. 2014-11-39**(Agenda Item No. 14-266)**

5. **201401682** - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling District) to A (Medium Density Apartment District) for the development of a 17-lot townhome development, with concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman DeJulio moved to defer Agenda Item No. 14-266, 201401682 - 6079 Boylston Road, *Applicant: Southtech Homes, LLC*, to rezone from R-4 (Single Family Dwelling District) to A (Medium Density Apartment District) for the development of a 17-lot townhome development, with concurrent variances, to the December 16, 2014 City Council meeting. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-267)

6. **201402052** - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the construction of a townhouse development, with concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Bauman moved to approve Agenda Item No. 14-267, 201402052 - 120 & 130 West Wieuca Road, *Applicant: JW Homes, LLC*, to rezone the subject property from A-O (Apartment Office District) conditional to A (Medium Density Apartment District) for the construction of a townhouse development, with concurrent variances, and subject to the alternative staff recommended conditions that were distributed this evening. Councilman Dishman seconded the motion. The motion carried unanimously.

Ordinance No. 2014-11-40**(Agenda Item No. 14-268)**

7. **201402051** - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Second: Councilman Sterling moved to Approve Agenda Item No. 14-268, 201402051 - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances; including the “Conditions for Redevelopment of Park 225 Proposed by Westfield Park Neighborhood November 14, 2014”; and the document title “Staff Recommended Conditions”, with the exception of keeping item l. and amending item j. to state, “Developer shall provide a stub-out along the southern property line as shown on the site plan dated November 17, 2014. The stub-out shall be for the future inter-parcel connection for a development of residential or lower intensity use than the existing project in place today.” Councilman Paulson seconded the motion.

Motion and Vote: Councilman Sterling moved to table Agenda Item No. 14-268, 201402051 - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances. Councilman Paulson seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-269)

8. **201402368** - 4967 & 4969 Roswell Road, *Applicant: Dewberry Capital*, to rezone the subject property from C-1 (Community Business District) conditional to MIX (Mixed Use District) for the construction of a mixed commercial and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Second: Councilman Bauman moved to deny Agenda Item No. 14-269, 201402368 - 4967 & 4969 Roswell Road, *Applicant: Dewberry Capital*, to rezone the subject property from C-1 (Community Business District) conditional to MIX (Mixed Use District) for the construction of a mixed commercial and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances. Councilman Dishman seconded the motion.

Substitute Motion and Vote: Councilman DeJulio moved to allow the withdrawal of Agenda Item No. 14-269, 201402368 - 4967 & 4969 Roswell Road, *Applicant: Dewberry Capital*, to rezone the

subject property from C-1 (Community Business District) conditional to MIX (Mixed Use District) for the construction of a mixed commercial and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances. Councilman Sterling seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-270)

9. **201402835** - 0 Glenlake Parkway (17 0034 LL037), *Applicant: Dominion Partners, LLC*, to rezone from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) for the development of a senior housing, assisted living, and memory care facility, with use permits for senior housing and to exceed the maximum district height and concurrent variances
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No 14-270, 201402835 - 0 Glenlake Parkway (17 0034 LL037), *Applicant: Dominion Partners, LLC*, to rezone from O-I (Office and Institutional District) conditional to O-I (Office and Institutional District) for the development of a senior housing, assisted living, and memory care facility, with use permits for senior housing and to exceed the maximum district height and concurrent variances. Councilman DeJulio seconded the motion. The motion carried unanimously.

Ordinance No. 2014-11-42

Zoning Modification

(Agenda Item No. 14-271)

10. **201401133** - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Paulson moved to defer Agenda Item no. 14-271, 201401133 - 305 Carpenter Drive, *Applicant: Masoud Zahedi*, to delete all conditions related to senior living in Sandy Springs zoning case RZ08-012, to the December 16, 2014 City Council meeting. Councilman Bauman seconded the motion. The motion carried unanimously.

Text Amendment

(Agenda Item No. 14-272)

11. **TA14-009** - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, of the Sandy Springs Zoning Ordinance
(Presented by Community Development Director, Angela Parker)

(Invitation for Public Comment)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-272, TA14-009 - An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, of the Sandy Springs Zoning Ordinance. Councilman Dishman seconded the motion. The motion carried unanimously.

Ordinance No. 2014-11-43

I) UNFINISHED BUSINESS (*none*)

Council took a break at this time from 9:39 p.m. – 9:52 p.m.

Motion and Vote: Councilman Sterling made the motion to take Agenda Item No. 14-268 from the table for further consideration. Councilman Paulson seconded the motion. The motion carried unanimously.

Motion and Second: Councilman Sterling moved to Approve Agenda Item No. 14-268, 201402051 - 4735 Roswell Road, *Applicant: The Providence Group of Georgia, LLC*, to rezone from A-1 (Apartment Dwelling District) conditional to A-L (Apartment Limited District) for the construction of a mixed townhouse and multifamily dwelling unit development, with a use permit to exceed the maximum district height and concurrent variances; including the “Conditions for Redevelopment of Park 225 Proposed by Westfield Park Neighborhood November 14, 2014”; and the document title “Staff Recommended Conditions”, with the exception of keeping item i. and amending item j. to state, “Developer shall provide a stub-out along the southern property line as shown on the site plan dated November 17, 2014. The stub-out shall be for future inter-parcel connection.” Councilman Paulson seconded the motion.

Ordinance No. 2014-11-41

J) NEW BUSINESS

(Agenda Item No. 14-273)

1. Acceptance of Charge Georgia Rebate Award from the Georgia Environmental Finance Authority
(Presented by Assistant City Manager, Bryant Poole)

Motion and Vote: Councilman Sterling moved to approve Agenda Item No. 14-273, the Charge Georgia Rebate Award from the Georgia Environmental Finance Authority. Councilman Bauman seconded the motion. The motion carried unanimously.

Resolution No. 2014-11-109

(Agenda Item No. 14-274)

2. Intergovernmental Agreement for the Provision of 800 MHz Radio System Access between Fulton County, Georgia and the City of Sandy Springs, Georgia
(Presented by City Manager, John McDonough and Cecil McLendon, Assistant City Attorney)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-274, Intergovernmental Agreement for the Provision of 800 MHz Radio System Access between Fulton County, Georgia and the City of Sandy Springs, Georgia. Councilman DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2014-11-110

(Agenda Item No. 14-275)

3. Consider Approving a Recommended Short-list of Construction Management at Risk Companies for City Center Project
(Presented by City Manager, John McDonough, and Ennis Parker, City Advisor)

Mayor Paul recused himself from this agenda item.

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-275, a Recommended Short-list of Construction Management at Risk Companies for the City Center Project. Councilman Dishman seconded the motion. The motion carried unanimously.

(Agenda Item No. 14-276)

4. Consider a Resolution Approving a Master Agreement for Program Management Services between the City and C&A Development, LLC, (owned by Carter & Associates, LLC) for the City Center Project
(Presented by City Manager, John McDonough, and Ennis Parker, City Advisor)

Motion and Vote: Councilman Paulson moved to approve Agenda Item No. 14-276, a Resolution Approving a Master Agreement for Program Management Services between the City and C&A Development, LLC, (owned by Carter & Associates, LLC) for the City Center Project. Councilman Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2014-11-111

K) REPORTS

1. Mayor and Council Reports
2. Staff Reports

L) PUBLIC COMMENT

M) EXECUTIVE SESSION

There was no Executive Session held.

N) ADJOURNMENT

Motion and Vote: Councilman DeJulio moved to adjourn the meeting. Councilman Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 10:25 p.m.